

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL

JESSE AGNEW, #174731
Petitioner,

v.

ANDREW JACKSON,
Respondent.

CASE NO. 04-CV-72038-DT
HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE
HONORABLE DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

FILED
SEP-9 10 2 43
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Two Letters From Wayne County Prosecutor's Office, Affidavit
From Appellate Attorney Peter Jon Van Hoek. To Added As Exhibits
in the above matter Case No. 04-CV-72038-DT As
well to inform this Court That Petitioner is Actually Innocent.

To: HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE
HONORABLE DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

PLEASE TAKE NOTICE THAT THESE EXHIBITS HAVE BEEN SENT TO
RESPONDENT IN THE ABOVE MATTER.
Thank you for your assistance.

Respectfully submitted,
Mr. JESSE AGNEW #174731
Petitioner.
Mound Correctional Facility
17601 Mound Rd.
Detroit, Michigan 48212

JA:P
Enclosures
c:Respondent



COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN

JOHN D. O'HAIR
PROSECUTING ATTORNEY

GEORGE E. WARD
CHIEF ASSISTANT

1200 FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302
TEL: (313) 224-5777
FAX: (313) 224-0974

August 1, 1997

Bro. J. Agnew-Bey
174731
4008 Cooper Street
Jackson, Mich. 49201-7518

Mr. Agnew-Bey,:

I have been getting your letters and I do read them. I do not mind looking into your claims. What I do need is a starting point. Give me some direction as to what I can do to establish your innocence in this case. This would not be the first time I helped clear a mistakenly charged person. I suggest that you do some research in the library. What you should look up is a double homicide from May of 1991. You will discover that the person originally charged was named Ken Reno. You will see what I did on that case to ultimately bring the true murderer to justice. He is named Thomas Collins and he is in your facility. If you read the newspaper accounts of what happened in that case you will have a better idea of what I mean.


I do not like the idea that an innocent person is wrongfully accused. It does bother me that your persistence in writing me may have some merit. I need to know from you what I can do. Obviously I can't just dismiss the case because you say you are innocent. But if you are, and I can prove it, I will do everything possible to correct the injustice. Give me some direction as to where to start.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel E. Less".

Daniel E. Less
Assistant Prosecuting Attorney
Wayne County Prosecutor's Office

GEORGE E. WARD
CHIEF ASSISTANT.

Sincerely,

Daniel E. Less

"Q. [Mr. Less] Did the police -- listen real carefully, ma'am. Did this officer or any other Detroit Police officer give you the name Kenny?

A. No.

Q. How did they get the name Kenny?

A. From me.

Q. Did you ever tell Officer Edwards or any member of the Detroit Police officers the name Andre?

A. No.

Q. Did you ever give them the name Jesse?

A. No.

Q. You ever say Andre Manley?

A. No.

Q. Did you ever say Jesse Agnew?

A. No.

Q. You've used those names Jesse Agnew and Andre Manley Thursday afternoon, and then today you used those names. Where did you get those names from?

A. From the statement.

Q. And who gave you those names?

A. Kenny. In the statement.

Q. We're not talking about Kenny's statement. Who told you about the two other people?

A. Police officers.

Q. So they told you those other names?

A. Yes.

Q. Wherever they got them from, you weren't there when they got them?

A. No.

* * *

Q. When did they give you their names?

A. When I went to court.

* * *

Q. You said Officer Edwards told you about a statement somebody made?

A. Yes." (T, 3/22, 55-58). (Emphasis added).

AFFIDAVIT

I, PETER JON VAN HOEK, do hereby state:

1. That I was assigned appellate counsel for the defendant-appellant, Jessie Agnew, in People v Agnew, Rec. Ct. No. 92-010859.

2. That upon receipt of the transcripts in the case, I discovered that the copy of the trial transcript dated March 24, 1993, did not include pages 43-67.

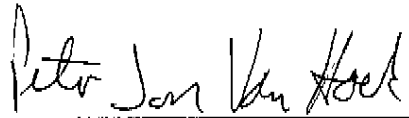
3. That on September 23, 1994, I wrote to Kathleen Maxwell, the court reporter who filed the transcript, indicating to her that I was missing those pages from the March 24, 1993, transcript, and asking her to provide me with copies of the missing pages.

4. That my file on the case does not currently contain any indication that Ms. Maxwell responded to my request, or that I was provided copies of the missing pages.

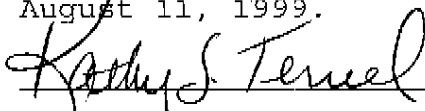
5. That I do not have any present memory of whether my office ever received the missing pages of the March 24 transcript.

6. That upon resolution of the appeal of right in the Michigan appellate courts, I provided the copies of all the transcripts I received in the case to Mr. Agnew, at his request, and no longer have any transcripts in my closed file on the appeal.

Further, affiant sayeth not.


Peter Jon Van Hoek

Subscribed and sworn to before me
August 11, 1999.



Notary Public, Wayne County, Michigan
My commission expires 6-7-02

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSE AGNEW, #174731
Petitioner,

v.

ANDREW JACKSON,
Respondent.

CASE NO. 04-CV-720380-DT
HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE
HONORABLE DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

Proof of Service

The undersigned certifies that on the date set forth below, he served a copy of the following papers:

1. Two letters from The Wayne County Prosecutor's Office, One Affidavit From Appellate Attorne Peter Jon Van Hoek.
2. Proof of Service.

upon:

Brenda E. Turner (P24705)
Assistant Attorney General
Criminal Appellate Division
Attorney For Respondent ANDREW JACKSON.

I declare under penalty of perjury that the foregoing is true and correct, executed on September 7, 2004.

Jesse Agnew

Subscribed and sworn before me, this 7
day of SEPT. 04, a Notary Public
in and for MACOMB County,
State of MICHIGAN

Sharon J. Grossett
(Signature)

NOTARY PUBLIC

My Commission expires March 29-2008

SHARON J. GROSSETT
Notary Public, Macomb County, MI,
My Commission Expires March 29, 2008.

acting in
Wayne County